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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,570	04/24/2001	Gary Boccadutre	1647001	5425
7590 HORST M. KASPER 13 FOREST DRIVE WARREN, NJ 07059				
05/11/2009				
EXAMINER SHAKERI, HADI				
ART UNIT		PAPER NUMBER		
3727				
MAIL DATE		DELIVERY MODE		
05/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/841,570

**Applicant(s)**

BOCCADUTRE ET AL.

**Examiner**

HADI SHAKERI

**Art Unit**

3727

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-10 and 12-35 is/are pending in the application.  
4a) Of the above claim(s) 7-10, 14-16, 18 and 23-26 is/are withdrawn from consideration.  
5) ☐ Claim(s) 3-6, 12, 13, 17, 19-22 and 27-35 is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

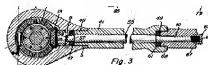
## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 3-6 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke, US Patent No. 2,808,749.

Lampke meets all of the limitations of the claims 3



and 5, i.e., power wrench comprising a handle containing a motor. (e.g., 67); a ratchet extension (41) attached to the handle; a ratchet extension shaft (55) attached to the handle and a ratchet head (1); and the ratchet head (1) attached to the extension and the shaft, wherein the extension and the shaft are removable; a plurality of removable extension (41, 67, 81) and a plurality of removable shafts (55, 77) each separately removable; lever arm having first and second configurations (Figs. 1 and 4); capable of attaching the sleeve to another sleeve for forming different length lever arm (Fig. 3, sleeve attachment devices, threaded sockets 5, male and 49, female), except for disclosing the for a length of the sleeve to be equal to that of the shaft. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention with regards to dimension or desired size, e.g., same length for the shaft and the sleeve in adapting the tool for a particular application, since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re* Rose, 105 USPQ 237 (CCPA 1955); and since it would have been "obvious to try"-

choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success.

Lampke meets the limitations of claims 4 and 6 except for disclosing an extension and a shaft having a length between 6 to thirty inches, and for disclosing the range or a specific size of the plurality of extensions; obvious modification to one of ordinary skill in the art dependent on work-piece/operational parameters as indicated in previous Office actions and above.

3. Claims 12, 13, 17, 19-22 and 27-35 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke in view of Hendrickson.

Lampke meets the limitations of the above claims, e.g., in Fig. 3, handle (63); handle drive shaft (65); handle sleeve mounting collar (68); extension sleeve (41) with first end formed with an interface collar (49) attached to mounting collar (68) and second end formed as in interface thread (45); extension shaft (55) having first end (61) and second end (47) disposed parallel and centered to the extension sleeve; shaft drive tang (57); ratchet head having a socket mount (33) and a threaded collar (5) attached to the sleeve interface thread (45); head drive shaft (15) connected to shaft drive tang (57); wherein the shaft is unsupported apart from the support (including bearings) furnished by the drive shaft and extension shaft and by the ratchet head to the extension shaft; and wherein the handle is directly attachable to the head (Fig. 5); except for disclosing an air power wrench and for disclosing a drive socket attached to the first end of the extension shaft and connected to the drive shaft (65) protruding from the handle (63) and for the length of the engagement points of the sleeve and the shaft.

Hendrickson teaches connecting the drive shaft to the handle and to the head using corresponding socket and boss means.

With regards to choosing a size of the sleeve and shaft, it is noted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention with regards to dimension or desired size, e.g., using the same length for the engagement points of the shaft and the sleeve in adapting the tool for a particular application, since such modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955) and since it would have been "obvious to try"-choosing from finite number of identified, predictable solutions, with a reasonable expectation of success.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pneumatic wrench and socket and boss connection means as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive and in ease of assembly/production.

Lampke modified in view of size and in view of Hendrickson meets the limitations of claim 13, e.g., the types of connections having similar constructions between the head and the handle.

Lampke modified by Hendrickson as described meets all of the limitations of claims 17, 19-22 and 33-35, e.g., no contact between the shaft and the sleeve.

With regards to claims 27, 32 and 35, Lampke modified by Hendrickson meets all of the limitations except for not using bearings; however eliminating the bearings, to

save manufacturing costs, would have been obvious to one of ordinary skill in the art; and providing a plurality of differently sized extensions for convenience of a kit would have been obvious to one of ordinary skill in the art.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments filed January 5, 2009 have been fully considered but they are not persuasive. The argument that the shaft is inserted between the handle and the head fails to point out which claim limitations are not met. Claims are directed to an

article (improved lever, extension kit), and prior art applied is also directed to an extension meeting the claims as recited. As indicated above using or choosing a particular size, e.g., same length sleeve and shaft is considered obvious to one of ordinary skill in the art since it only requires routine experimentations with predictable results.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Hendrickson is utilized to teach the use of pneumatic wrench and boss connection. The combination further modified in view of size meets the claims as recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 10, 2009

/Hadi Shakeri/  
Primary Examiner, Art Unit 3727